IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NOs : 7311 of 2001, 8118 of 2001

And C C No. 1044 of 2004

Between:

A.B.Kesari Kumar S/o.A.B.Bhakthavachalam
Erstwhile Mirasidar Archaka Sri Padmvathimmavari Temple, Tiruchanur
Chittoor District, R/o.832 Samyam Street, Tiruchanoor

..... PETITIONER

AND

1 The Tirumala Tirupathi Devasthanams Tirupathi, Chittoor District rep.by its Executive Officer
2 The State of Andhra Pradesh rep. by its Principal Secretary to Government Revenue (Endts) Department, Secretariat, Hyderabad
3 The Board of Trustees of Tirumala Tirupathi Devasthanams Tirupathi,

Chittoor District, rep.by its Specified Authority.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, direction or order more particularly one in the nature of writ of mandamus by declaring the action of the respondents in not appointing the petitioner to any of the posts of Upa Pradhana Archaka, Mukya Archaka or Archakas in Sri Padmavathi Ammavari Temple, Tiruchanur in terms of G.O.Ms.No.855, Revenue (Endts), Department, Dt.08/10/1997 issued by the 2nd respondent as illegal, arbitrary, contrary to law, and unconstitutional and consequently direct the respondents to appoint the petitioner to any one of these posts with effect from October, 1997 when the Act was amended with all consequential benefits like arrears of pay etc., on par with the identically placed persons appointed in Tirumala Temples issued vide proceedings Roc.No.E7-17042/98, Dt.09/06/1998.

Counsel for the Petitioner: DR.K.LAKSHMINARASIMHA

Counsel for the Respondents: MR.M.ADINARAYANA RAJU (SC FOR

TTD)

WRIT PETITION NO : 8118 of 2001

Between:

A.B. Maruthi Prasad, Son of A.B. Bhakthavachalam, Hindu, 36 years, erstwhile Mirasidar Archaka, Sri padmavathi Ammavari temple, Tiruchanur, Chittor District, r/0 8.32, Samyam street, Tiruchanoor.

..... PETITIONER

AND

1 The Tirumala Tirupathi Devasthanams Tirupathi, Chittoor District rep.by its Executive Officer
2 The State of Andhra Pradesh rep. by its Principal Secretary to Government Revenue (Endts) Department, Secretariat, Hyderabad
3 The Board of Trustees of Tirumala Tirupathi Devasthanams Tirupathi,

Chittoor District, rep.by its Specified Authority.

4 The Deputy Executive Officer, Local Temples, Tirupathi, Chittoor District.

5 The Assistant Executive Officer, Sri Padmavathiammavari temple, Tiruchanur, Chittor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, direction or order more particularly one in the nature of writ of mandamus by declaring the action of the respondents in not appointing the petitioner to any of the posts of Upa Pradhana Archaka, Mukya Archaka or Archakas in Sri Padmavathi Ammavari Temple, Tiruchanur in terms of G.O.Ms.No.855, Revenue (Endts), Department, Dt.08/10/1997 issued by the 2nd respondent as illegal, arbitrary, contrary to law, and unconstitutional and consequently direct the respondents to appoint the petitioner to any one of these posts with effect from October, 1997 when the Act was amended with all consequential benefits like arrears of pay etc., on par with the identically placed persons appointed in Tirumala Temples issued vide proceedings Roc.No.E7-17042/98, Dt.09/06/1998.

Counsel for the Petitioner: DR.K.LAKSHMINARASIMHA

Counsel for the Respondents: MR.M.ADINARAYANA RAJU (SC FOR TTD)

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CONTEMPT CASE NO : 1044 of 2004

(Contempt Case U/s. 10 to 12 of Contempt of Courts Act to punish the Respondents herein for violating, disobeying the Order of the High Court dated 17.04.2001 in WPMP No.9278 OF 2001 in WP No.7311 of 2001.

Between:

A.B. Kesari Kumar, S/o A.B. Bhakatha Uachalam,
R/o 8/32, Samajam Street,
Tiruchanoor , Chittoor Dist.

..... PETITIONER

AND

1 Sri Ajay Kalam, Executive Director, The Tirumala Tirupathi Devasthanam, Tirupathi Devasthanam, Tirupathi, Chittoor Dist.
2 The State of A.P., Rep. by Prl. Secretary to Government Revenue (endts.) Department, Secretariat, Hyderabad.
3 The Board of Trustees of Tirumala Tirupati Devasthanams, Rep. by Specified Authority Tirupathi, Chittoor Dist.

.....RESPONDENTS

Counsel for the Petitioner: DR.K.LAKSHMINARASIMHA

Counsel for the Respondents: MR.M.ADINARAYANA RAJU (SC FOR TTD)

The Court made the following :

COMMON ORDER:

All these petitions are filed by the members of one family whose ancestors were hereditary Archakas/ Mirasidars in Sri Padmavathi Ammavari Temple, Thiruchanoor, Chittor District. Their contention is that they have been working as Archakas/Mirasidars and their status as such has been recognized by the Tirumala Tirupathi Devasthanam, Tirupathi and various proceedings dated 22.10.1979, 18.9.1981, 1.10.1983, 24.10.1997 have been issued showing their status as Archakas and Mirasidars. Whereas, after implementation of the new A.P. Hindu Religious and Charitable Institutions and Endowments Act, 1986 (for short 'the Act'), under Section 34 of the Act, and as per the schemes framed by the TTD, they are entitled to be considered for the posts of Archakas to perform the archakatvam and also as Mirasidars, but their cases were not considered.

This Court, while admitting the writ petitions, issued an interim direction to the respondents to permit the petitioners to perform the services of Archakatvam in the said temple, in terms of Section 34 of the Act.

A detailed counter affidavit has been filed in all these cases denying the right of the petitioners to continue as Archakas / Mirasidars as per Section 34 of the Act. The main contention of the respondent was that the persons employed by the erstwhile Mirasidars, who were not under regular appointment and not directly receiving emoluments from TTD, are not entitled for regular employment as benefit was already given to the Mirasidars holding office as on the date of the Act and the petitioners were not in service as on the date of the Act. It is further stated that in view of Section 34 of the Act, the petitioners' request for rendering service in the temple was considered and rejected on the ground that they have not rendered services as on 19.3.1996 which is the cut off date i.e. the date of judgment of the Supreme Court.

Learned counsel for the petitioners submits that question of petitioners continuing as on 19.3.1996 does not arise since the various branches of the same family were working as archakas as well as mirasidars on turn wise basis. Learned counsel further submits that the turn of the petitioners would come after every 2 years and therefore, the question of continuing the petitioners in service as archakas/mirasidars would not arise since it depends upon the turns to be taken by the various branches of the same family. This aspect, according to the petitioners, was not properly considered by the TTD as per the G.O Ms. No. 855, Revenue (Endowments I) Department, dated 8.10.1997.

On the other hand, learned counsel for the respondent submits that the turn of the petitioners would come after every four years and he further stated that in the writ petition itself, petitioners asserted that they are not continuing in the said posts and they are not rendering any service in the temple.

In view of the above, without going into the merits of the case, petitioners are directed to submit a detailed representation before the first respondent within a period of three weeks from today ventilating their grievance, raising all the grounds that are raised in these petitions, and also any other grounds, if necessary, and on any such representation being made, the same shall be entertained by the first respondent without raising any objection as to the rejection of their case earlier and pass appropriate orders as per law, within two months thereof. Till such time, status-quo as on today as to the status and

position of the petitioners in the temple shall continue.

With the above direction, the writ petitions are disposed of. No costs.

However, in view of the disposal of the writ petitions, the cause in the contempt case does not survive and hence the contempt case is dismissed.

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kvsn 22-11-2004

To

1 The Executive Officer, Tirumala Tirupathi Devasthanams Tirupathi, Chittoor District.

2 The Principal Secretary to Government, Government of Andhra Pradesh, Revenue (Endts) Department, Secretariat, Hyderabad

3 The Board of Trustees of Tirumala Tirupathi Devasthanams Tirupathi,

Chittoor District, rep.by its Specified Authority.

4 The Deputy Executive Officer, Local Temples, Tirupathi, Chittoor District.

5 The Assistant Executive Officer, Sri Padmavathiammavari temple,
Tiruchanur, Chittor District.

6. Sri Ajay Kalam, Executive Director, The Tirumala Tirupathi Devasthanams,
Tirupathi, Chittor District.

7. Two CD copies.